

Exhibit A

Exhibit A-1

CIVIL CASE INFORMATION SHEET

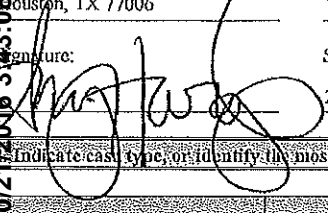
Ex. A-1

CAUSE NUMBER (FOR CLERK USE ONLY): _____

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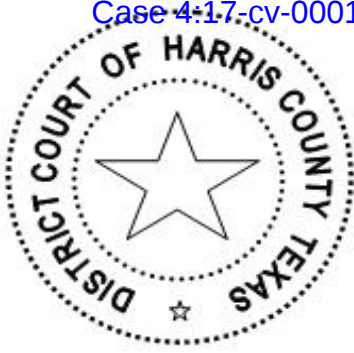
STYLED Unique Crown Hospitality, LLC v. Everest Indemnity Insurance Co., et al
 (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: Amy B. Hargis Email: aihargis@raiznerlaw.com Address: 2402 Dunlavy Street City/State/Zip: Houston, TX 77006 Telephone: 713-554-9099 Fax: 713-554-9098 Signature:  State Bar No: 24078630		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Unique Crown Hospitality, LLC</u> Defendant(s)/Respondent(s): <u>Everest Indemnity Ins. Co.</u> <u>Engle Martin + Assoc.</u> <u>Kevin Mayfield</u> (Attach additional page as necessary to list all parties)		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____																								
2. Indicate case type, or identify the most important issue in the case (select only 1):																												
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4. Indicate damages sought (do not select if it is a family law case):																												
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000																												

Rev 2/13

10/21/2016 3:43:08 PM
 Chris Daniel - District Clerk
 Harris County
 Envelope No: 13382074
 By: MCDUGLE, RUTH A
 Filed: 10/21/2016 3:43:08 PM



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this January 3, 2017

Certified Document Number: 72426511 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Exhibit A-2

Ex A-2

Cause No. _____

UNIQUE CROWNE HOSPITALITY, LLC	§	IN THE DISTRICT COURT OF
	§	
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
EVEREST INDEMNITY INSURANCE	§	
COMPANY, ENGLE MARTIN &	§	
ASSOCIATES, and KEVIN WILSON	§	
MAYFIELD	§	___ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION & JURY DEMAND

Plaintiff UNIQUE CROWNE HOSPITALITY, LLC ("Crowne" or "Plaintiff")
 by and through their attorneys, files this Original Petition & Jury Demand against
 Defendants EVEREST INDEMNITY INSURANCE COMPANY ("Everest"),
 ENGLE MARTIN & ASSOCIATES ("Engle Martin"), and KEVIN WILSON
 MAYFIELD ("Mayfield") (collectively "Defendants") and would respectfully
 show the following:

Discovery Control Plan

1.1 Plaintiff intends to conduct discovery under Level 2 of Texas Rule of Civil
 Procedure 190.

Parties

2.1 Plaintiff, Crowne, is a domestic limited liability company organization
 under the laws of the State of Texas.

2.2 Upon information and belief, Everest is a foreign surplus lines insurance
 company engaged in the business of insurance in Texas, operating for the purpose
 of accumulating monetary profit. Everest regularly conducts the business of

insurance in a systematic and continuous manner in the State of Texas. Everest does not maintain an agent for service in Texas and accordingly may be served with process by serving certified mail, return receipt requested, to Counsel, Legal Department, Everest Indemnity Insurance Company, c/o Mt. McKinley Managers, LLC, Westgate Corporate Center, P.O. Box 830, Liberty Corner, NJ, 07938-0830.

2.3 Upon information and belief, Engle Martin is a corporation organized under the laws of the State of Georgia regularly engaged in the business of adjusting insurance claims in Texas with a principal field office in Dallas, Texas. Engle Martin regularly and systematically engages in business in Texas, operating for the purpose of accumulating monetary profit and may be served with process through Corporation Service Company dba CSC-Lawyers Inc., 211 East 7th Street, Suite 620, Austin, Texas 78701.

2.4 Upon information and belief, Kevin Wilson Mayfield is a natural person residing and working in the State of Texas. He may be served with process by serving him at, Kevin Wilson Mayfield, 4907 Meadowglen Drive, Pearland, Texas 77584.

Venue & Jurisdiction

3.1 Venue is proper in Harris County under Tex. Civ. Prac. & Rem. Code section 15.002(a)(1), as a substantial part of the events or omissions giving rise to this claim occurred in Harris County and Plaintiff's property that is the subject of the insurance policy, claim, denial, and litigation is in Harris County. In

particular, the adjustment of the claim by Defendants Engle Martin and Mayfield for losses under the policy (including denial and underpayment of the claim and payments to be made to Crowne in Harris County under the policy) were conducted in Harris County, Texas out of Defendants' Harris County office. Further investigation, including communications to and from Defendants and Crowne (including telephone calls, mailings, and other communications to Crowne) and communications between Defendants regarding the claim occurred in Harris County, Texas. Additionally, site inspections and communications serving as the basis for suit occurred at the damaged subject property in Harris County.

3.2 Plaintiff seeks damages within the jurisdictional limits of this Court. Plaintiff trusts the jury to evaluate the evidence, but at this time, Plaintiff seeks monetary relief in an amount over \$1,000,000. Plaintiff reserves the right to modify the amount and type of relief sought in the future.

General Allegations

4.1 On or before April 18, 2016, Everest sold a commercial property insurance policy bearing Policy No. CA3P004562151 to Crowne whereby Everest would provide insurance coverage for the property located at 12801 Northwest Freeway, Houston, Texas 77040 (the "Property") in exchange for the timely payment of premiums (the "Policy"). The Property consists of a structure owned by Crowne. The Policy was sold by Everest to Crowne as the insured under the

Policy and provides coverage for damages to the Property caused by a windstorm.

4.2 On or about April 18, 2016, Plaintiff's property was substantially damaged by a severe windstorm that struck Harris County. As a result, the roof, exterior, and interior of the Property were substantially damaged. Immediately upon discovering the damage, Plaintiff filed an insurance claim under the Policy with Everest for damages to the Property caused by the windstorm. Plaintiff asked that the cost of repairs be covered pursuant to the Policy.

4.3 Everest is the insurer on the Property. In response to the catastrophe claim, the Carrier assigned adjusters, consultants, and agents to Plaintiff's file that were inadequate and improperly trained. More specifically, Everest assigned Plaintiff's claim to Engle Martin who in turn assigned its employee Kevin Mayfield to adjust the damages under the Policy.

4.4 Engle Martin and Mayfield failed to perform a thorough investigation of the claim. Mayfield inspected the property on April 22, 2016. He performed a substandard inspection of the Property. After visiting the Property, Defendant Mayfield did not prepare any estimates or scopes of damages to the Property or failed to provide those to the insured. Mayfield failed to hire any qualified experts to appropriately assess the damage. Mayfield delayed the claims process and failed to communicate with the insured. Mayfield also misrepresented the Policy's coverage. Engle Martin and Mayfield performed an inadequate, incomplete and unreasonable investigation of Plaintiff's claim, which is evidenced by his delays,

lack of communication, refusal to hire to appropriate consultants, and lack of estimates or scopes of damage to account for the necessary repairs for the Property. Everest relied exclusively on Engle Martin and Mayfield in determining what amounts, if any, to pay on Plaintiff's claim and failed to perform their own adequate investigation.

4.5 Everest, Engle Martin, and Mayfield wrongfully underpaid and denied Plaintiff's claims for property repairs on June 30, 2016. Defendants represented to Plaintiff that certain damages were not covered under the Policy when in fact they were. Everest, Engle Martin, and Mayfield have chosen to continue to deny timely payment of the damages. As a result, Crowne has not been fully paid under the Policy provided by Everest since the windstorm. Crowne was forced to hire its own consultant to independently evaluate the damages to the Property because Defendants refused to do so. To this day, Everest refuses to pay for the necessary repairs to the Property as required under the Policy.

4.6 As a result of Defendants' acts and/or omissions, Plaintiff was required to retain an attorney to prosecute its claim for insurance benefits.

4.7 Unfortunately, Defendants have delayed payment for Plaintiff's necessary and covered property repairs under the insurance policy that Everest wrote. Given the repeated delays of payment, Plaintiff has been subjected to significant economic impact, worry, distress, and continuing economic and physical damage. Because of Defendants' delays, denials, and underpayment, Plaintiff has been unable to make necessary repairs to the Property which has resulted in further damages to the

Property, including additional interior and roof damage, among others. In addition, Plaintiff has suffered financial harm and damage as a result of Defendants' denials and repeated delays. The significant effect of Defendants' wrongful and unjustified delays, however, is still uncompensated.

FIRST CAUSE OF ACTION--Violations of Texas Insurance Code

5.1 Plaintiff re-alleges and incorporates each allegation contained in Paragraphs 1-4.7 of this Petition as if fully set forth herein.

5.2 Everest, Engle Martin, and Mayfield failed to attempt to effectuate a prompt, fair, and equitable settlement of a claim with respect to which liability has become reasonably clear, in violation of Texas Insurance Code Section 541.060 (a)(2)(A).

5.3 Everest, Engle Martin, and Mayfield failed to adopt and implement reasonable standards for prompt investigation of claims arising under its policies.

5.4 Everest, Engle Martin, and Mayfield failed to provide promptly a reasonable explanation, in relation to the facts or applicable law, for the denial of a claim, in violation of Texas Insurance Code Section 541.060 (a)(3).

5.5 Everest, Engle Martin, and Mayfield refused to pay a claim without conducting a reasonable investigation with respect to the claim, in violation of Texas Insurance Code Section 541.060 (a)(7).

5.6 Everest, Engle Martin, and Mayfield misrepresented the insurance policy under which it affords Property coverage to Plaintiff, by making an untrue statement of material fact, in violation of Texas Insurance Code Section 541.061 (1).

Everest, Engle Martin, and Mayfield misrepresented the insurance policy to

Plaintiff, by making an untrue statement of material fact, in violation of Texas Insurance Code Section 541.061 (1).

5.7 Everest, Engle Martin, and Mayfield misrepresented the insurance policy under which it affords Property coverage to Plaintiff, by failing to state a material fact that is necessary to make other statements made not misleading, in violation of Texas Insurance Code Section 541.061 (2). Everest, Engle Martin, and Mayfield misrepresented the insurance policy to Plaintiff by failing to state a material fact that is necessary to make other statements made not misleading, in violation of Texas Insurance Code Section 541.061 (2).

5.8 Everest, Engle Martin, and Mayfield misrepresented the insurance policy under which it affords Property coverage to Plaintiff, by making a statement in such manner as to mislead a reasonably prudent person to a false conclusion of material fact, and failing to disclose a matter required by law to be disclosed, in violation of Texas Insurance Code Section 541.061 (3) and Texas Insurance Code Section 541.002 (1). Everest, Engle Martin, and Mayfield misrepresented the insurance policy to Plaintiff by making a statement in such manner as to mislead a reasonably prudent person to a false conclusion of material fact, and failing to disclose a matter required by law to be disclosed, in violation of Texas Insurance Code Section 541.061 (3) and Texas Insurance Code Section 541.002 (1).

5.9 Everest, Engle Martin, and Mayfield knowingly committed the foregoing acts, with actual knowledge of the falsity, unfairness, or deception of the foregoing acts and practices, in violation of Texas Insurance Code Section 541.002 (1).

SECOND CAUSE OF ACTION—Prompt Payment of Claim

6.1 Plaintiff re-alleges and incorporates each allegation contained in Paragraphs 1-5.9 of this Petition as if fully set forth herein.

6.2 Everest, Engle Martin, and Mayfield failed to acknowledge receipt of the claim in violation of Texas Insurance Code Section 542.055 (a)(1).

6.3 Everest, Engle Martin, and Mayfield failed to timely commence investigation of the claim or to request from Plaintiff any additional items, statements or forms that Everest, Engle Martin, and Mayfield reasonably believe to be required from Plaintiff in violation of Texas Insurance Code Section 542.055 (a)(2)-(3).

6.4 Everest, Engle Martin, and Mayfield failed to notify Plaintiff in writing of the acceptance or rejection of the claim not later than the 15th business day after receipt of all items, statements and forms required by Everest, Engle Martin, and Mayfield in violation of Texas Insurance Code Section 542.056(a).

6.5 Everest, Engle Martin, and Mayfield delayed payment of Plaintiff's claim in violation of Texas Insurance Code Section 542.058(a).

THIRD CAUSE OF ACTION—Statutory Interest

7.1 Plaintiff re-alleges and incorporates each allegation contained in Paragraphs 1-6.5 of the Petition as if fully set forth herein.

7.2 Plaintiff makes a claim for penalties of 18% statutory interest on the amount of the claims along with reasonable attorneys' fees for violation of Texas Insurance Code Subchapter B pursuant to Texas Insurance Code Section 542.060.

FOURTH CAUSE OF ACTION---Breach of Contract

8.1 Plaintiff re-alleges and incorporates each allegation contained in Paragraphs 1-7.2 of the Petition as if fully set forth herein.

8.2 Everest breached its contracts with Plaintiff. As a result of Carrier's breaches, Plaintiff suffered legal damages.

FIFTH CAUSE OF ACTION---Breach of duty of good faith & fair dealing

9.1 Plaintiff re-alleges and incorporates each allegation contained in Paragraphs 1-8.2 of the Petition as if fully set forth herein.

9.2 Everest, as the property coverage insurer, had a duty to deal fairly and in good faith with Plaintiff in the processing of the claim. Everest breached this duty by refusing to properly investigate and effectively denying insurance benefits. Everest knew or should have known that there was no reasonable basis for denying or delaying the required benefits. As a result of Carrier's breach of these legal duties, Plaintiff suffered legal damages.

SIXTH CAUSE OF ACTION---Punitive Damages for Bad Faith

10.1 Plaintiff re-alleges and incorporates each allegation contained in Paragraphs 1-9.2 of this Petition as if fully set for herein.

10.2 Everest, Engle Martin, and Mayfield acted fraudulently and with malice (as that term is legally defined) in denying Plaintiff's claim for benefits. Further, Everest, Engle Martin, and Mayfield had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff.

SEVENTH CAUSE OF ACTION---Violations Of Texas DTPA

11.1 Plaintiff re-alleges and incorporates each allegation contained in Paragraphs 1-10.2 of this Complaint as if fully set forth herein.

11.2 The Deceptive Trade Practices-Consumer Protection Act (DTPA) provides additional protections to consumers who are victims of deceptive, improper, or illegal practices. Defendants' violations of the Texas Insurance Code create a cause of action under the DTPA. Defendants' violations of the Texas Insurance Code, as set forth herein, specifically violate the DTPA as well.

KNOWLEDGE

12.1 Each of the actions described herein were done "knowingly" as that term is used in the Texas Insurance Code and were a producing cause of Plaintiff's damages.

RESULTING LEGAL DAMAGES

13.1 Plaintiff is entitled to the actual damages resulting from the Defendants' violations of the law. These damages include the consequential damages to its economic welfare from the wrongful denial and delay of benefits; the mental anguish and physical suffering resulting from this wrongful denial of benefits, and continued impact on Plaintiff; lost credit reputation; and the other actual damages permitted by law. In addition, Plaintiff is entitled to exemplary damages.

13.2 As a result of Defendants' acts and/or omissions, Plaintiff has sustained damages in excess of the minimum jurisdictional limits of this Court.

13.3 Plaintiff is entitled under law to the recovery of prejudgment interest at the maximum legal rate.

13.4 Defendants' knowing violations of the Texas Insurance Code and DTPA entitle Plaintiff to the attorneys' fees, treble damages, and other penalties provided by law.

13.5 Plaintiff is entitled to statutory interest on the amount of its claim at the rate of 18% per year as damages under the Texas Insurance Code §542.060(a).

13.6 Plaintiff is entitled to the recovery of attorneys' fees pursuant to Tex. Civ. Prac. & Rem. Code §38.001, the Texas Insurance Code §542.060(a)-(b), the Tex. Bus & Commerce Code §17.50 and Tex. Civ. Prac. & Rem. Code §37.009.

Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Plaintiff has judgment against Defendants for actual damages in excess of the minimum jurisdictional limits of this Court, pre- and post-judgment interest as allowed by law, costs of suit, and all other relief, at law or in equity, to which Plaintiff may be entitled.

Respectfully submitted,
RAIZNER SLANIA, LLP

JEFFREY L. RAIZNER
State Bar No. 00784806
ANDREW P. SLANIA
State Bar No. 24056338
AMY BAILEY HARGIS

State Bar No. 24078630

efile@raiznerlaw.com

2402 Dunlavy Street

Houston, Texas 77006

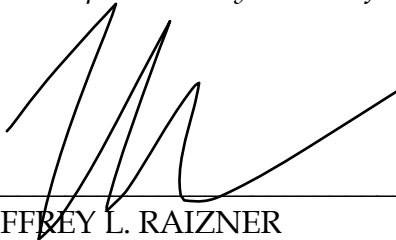
Phone: 713.554.9099

Fax: 713.554.9098

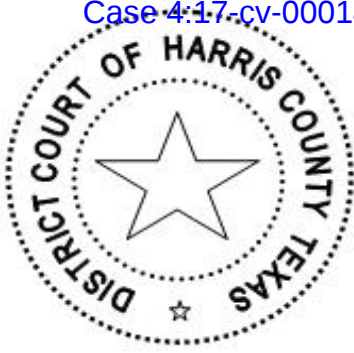
ATTORNEYS FOR PLAINTIFF

JURY DEMAND

Plaintiff hereby demands a trial by jury, a right enshrined in the Constitution of the United States of America and the State of Texas and preserved by the sacrifices of many. The necessary jury fee has been paid.



JEFFREY L. RAIZNER



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this December 20, 2016

Certified Document Number: 72426510 Total Pages: 12

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Exhibit A-3

CIVIL PROCESS REQUEST

Ex A-3

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: 2016-73084

CURRENT COURT: 61ST Judicial Court

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Citation

FILE DATE OF MOTION: October 21, 2016

Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Everest Indemnity Insurance Company

ADDRESS: P.O. Box 830, Liberty Corner, NJ 07938-0830

AGENT, (if applicable): Counsel, Legal Department, c/o Mt. McKinley Managers, LLC, Westgate Corporate Center

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____

Phone: _____

☐ MAIL☐ CERTIFIED MAIL☐ PUBLICATION:Type of Publication: ☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE: _____☒ OTHER, explain We will provide a self-addressed stamp envelope. Please forward to our office using the envelope.

2. NAME: ENGLE MARTIN & ASSOCIATES

ADDRESS: 211 East 7th Street, Suite 620, Austin TX 78701

AGENT, (if applicable): Corporation Service Company dba CSC-Lawyers Inc.

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____

Phone: _____

☐ MAIL☐ CERTIFIED MAIL☐ PUBLICATION:Type of Publication: ☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE: _____☒ OTHER, explain We will provide a self-addressed stamp envelope. Please forward to our office using the envelope.

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Amy B. Hargis

TEXAS BAR NO./ID NO.

240 78630

MAILING ADDRESS: 2402 Dunlavy Street, Houston TX 77006

PHONE NUMBER: 713

554-9099

FAX NUMBER: 713

554-9098

area code

phone number

area code

fax number

EMAIL ADDRESS: efile@raiznerlaw.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

_____ AMENDED PETITION
_____ SUPPLEMENTAL PETITION

COUNTERCLAIM

_____ AMENDED COUNTERCLAIM
_____ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

_____ AMENDED CROSS-ACTION
_____ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

_____ AMENDED THIRD-PARTY PETITION
_____ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

_____ AMENDED INTERVENTION
_____ SUPPLEMENTAL INTERVENTION

INTERPLEADER

_____ AMENDED INTERPLEADER
_____ SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: _____
(specify)

MOTION TO: _____
(specify)

PROCESS TYPES:

NON WRIT:

CITATION

ALIAS CITATION
PLURIES CITATION
SECRETARY OF STATE CITATION
COMMISSIONER OF INSURANCE
HIGHWAY COMMISSIONER
CITATION BY PUBLICATION
NOTICE
SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)
RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)
ATTACHMENT (WITNESS)
ATTACHMENT (PERSON)

CERTIORARI

EXECUTION
EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT
GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS
INJUNCTION
TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)
PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)
POSSESSION (PROPERTY)

SCIRE FACIAS
SEQUESTRATION
SUPERSEDEAS

CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: 2016-73084

CURRENT COURT: 61ST Judicial Court

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Citation

FILE DATE OF MOTION: October 21, 2016

Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Kevin Wilson Mayfield

ADDRESS: 4907 Meadowglen Drive, Pearland TX 77584

AGENT, (if applicable):

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up:

Phone:

☐ MAIL☐ CERTIFIED MAIL☐ PUBLICATION:Type of Publication: ☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE:☒ OTHER, explain We will provide a self-addressed stamp envelope. Please forward to our office using the envelope.

2. NAME:

ADDRESS:

AGENT, (if applicable):

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up:

Phone:

☐ MAIL☐ CERTIFIED MAIL☐ PUBLICATION:Type of Publication: ☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE:☐ OTHER, explain

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Amy B. Hargis

TEXAS BAR NO./ID NO.

24078630

MAILING ADDRESS: 2402 Dunlavy Street, Houston TX 77006

PHONE NUMBER: 713

554-9099

FAX NUMBER: 713

554-9098

area code

phone number

area code

fax number

EMAIL ADDRESS: efile@raiznerlaw.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

AMENDED PETITION
SUPPLEMENTAL PETITION

COUNTERCLAIM

_____ AMENDED COUNTERCLAIM
SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

AMENDED CROSS-ACTION SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

_____ AMENDED THIRD-PARTY PETITION
SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

_____ AMENDED INTERVENTION
SUPPLEMENTAL INTERVENTION

INTERPLEADER

AMENDED INTERPLEADER
SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: _____
(specify)

MOTION TO: _____
(specify)

PROCESS TYPES:

NON WRIT:

CITATION

ALIAS CITATION
 PLURIES CITATION
 SECRETARY OF STATE CITATION
 COMMISSIONER OF INSURANCE
 HIGHWAY COMMISSIONER
 CITATION BY PUBLICATION
 NOTICE
 SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)
RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)
ATTACHMENT (WITNESS)
ATTACHMENT (PERSON)

CERTIORARI

EXECUTION
EXECUTION AND ORDER OF SALE

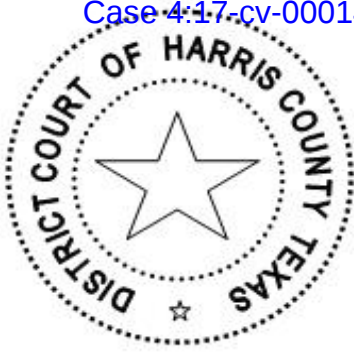
GARNISHMENT BEFORE JUDGMENT
GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS
INJUNCTION
TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)
PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)
POSSESSION (PROPERTY)

SCIRE FACIAS
SEQUESTRATION
SUPERSEDEAS



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this January 3, 2017

Certified Document Number: 72593902 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Exhibit A-4

CIVIL PROCESS REQUEST

Ex A-4

Chris Daniel - District Clerk Harris County

Envelope No. 14175326

By: Brianna Denmon

Filed: 12/8/2016 11:17:07 AM

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: 2016-73084

CURRENT COURT: 61st Judicial Court

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Citation

FILE DATE OF MOTION: October 21, 2016

Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Engle Martin & Associates, Inc.

ADDRESS: 211 East 7th Street, Suite 620, Austin TX 78701

AGENT, (if applicable): Corporation Service Company dba CSC-Lawyers Inc.

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____

Phone: _____

☐ MAIL☐ CERTIFIED MAIL☐ PUBLICATION:

Type of Publication:

☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE: _____☒ OTHER, explain We will provide a self-addressed stamp envelope. Please forward to our office using the envelope.

2. NAME: _____

ADDRESS: _____

AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____

Phone: _____

☐ MAIL☐ CERTIFIED MAIL☐ PUBLICATION:

Type of Publication:

☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE: _____☐ OTHER, explain _____

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Amy B. Hargis

TEXAS BAR NO./ID NO. 24078630

MAILING ADDRESS: 2402 Dunlavy Street, Houston TX 77006

PHONE NUMBER: 713

554-9099

FAX NUMBER: 713

554-9098

area code

phone number

area code

fax number

EMAIL ADDRESS: efile@raiznerlaw.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

_____ AMENDED PETITION
 _____ SUPPLEMENTAL PETITION

COUNTERCLAIM

_____ AMENDED COUNTERCLAIM
 _____ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

_____ AMENDED CROSS-ACTION
 _____ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

_____ AMENDED THIRD-PARTY PETITION
 _____ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

_____ AMENDED INTERVENTION
 _____ SUPPLEMENTAL INTERVENTION

INTERPLEADER

_____ AMENDED INTERPLEADER
 _____ SUPPLEMENTAL INTERPLEADER

INJUNCTION**MOTION TO MODIFY****SHOW CAUSE ORDER****TEMPORARY RESTRAINING ORDER****BILL OF DISCOVERY:**

ORDER TO: _____
 (specify)

MOTION TO: _____
 (specify)

PROCESS TYPES:**NON WRIT:****CITATION**

ALIAS CITATION
 PLURIES CITATION
 SECRETARY OF STATE CITATION
 COMMISSIONER OF INSURANCE
 HIGHWAY COMMISSIONER
 CITATION BY PUBLICATION
 NOTICE
 SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)
 RULE 106 SERVICE

SUBPOENA**WRITS:**

ATTACHMENT (PROPERTY)
 ATTACHMENT (WITNESS)
 ATTACHMENT (PERSON)

CERTIORARI

EXECUTION
 EXECUTION AND ORDER OF SALE

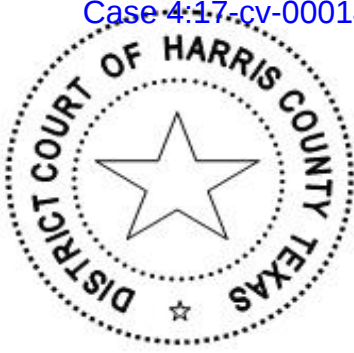
GARNISHMENT BEFORE JUDGMENT
 GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS
 INJUNCTION
 TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)
 PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)
 POSSESSION (PROPERTY)

SCIRE FACIAS
 SEQUESTRATION
 SUPERSEDEAS



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this January 3, 2017

Certified Document Number: 73017158 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Exhibit A-5

61st District Court of HARRIS County, Texas

201 CAROLINE, 9TH FLOOR HOUSTON TX 77002

CASE #: 2016-73084**UNIQUE CROWNE HOSPITALITY, LLC****Ex A-5**

Plaintiff

VS**VEREST INDEMNITY INSURANCE COMPANY, ENGLE MARTIN & ASSOCIATES, AND KEVIN WILSON
MAYFIELD**

Defendant

AFFIDAVIT OF SERVICE

I, **JACKLYNN G HENRY**, make statement to the fact;
That I am a competent person more than 18 years of age or older and not a party to
this action, nor interested in outcome of the suit. That I received the documents stated
below on 11-29-16, Time: 8:10 AM instructing for same to be delivered
upon Everest Indemnity Insurance Company By Delivering To Its Counsel, Legal Department
Everest Indemnity Insurance Company C/O Mt McKinley Managers Llc.

That I delivered to : Everest Indemnity Insurance Company By Delivering To Its
Counsel, Legal Department Everest Indemnity Insurance Company C/O
Mt McKinley Managers Llc.

the following : CITATION; PLAINTIFF'S ORIGINAL PETITION & JURY DEMAND

at this address : P.O. Box 830
LIBERTY CORNER, Somerset County, NJ 07938

Manner of Delivery : by certified mail. Return receipt with signature thereon is
attached hereto each; a true copy of the documents listed above
and endorsed on such the date of mailing.

Delivered on : Monday December 5, 2016 am

My name is JACKLYNN G HENRY, my date of birth is December 23rd, 1964, and my address
is Professional Civil Process Of Texas, Inc, 103 Vista View Trail, Spicewood TX
78669, and U.S.A. I declare under penalty of perjury that the foregoing is true and
correct.

Executed in Burnet County, State of Texas, on the 5 day of

Dec, 20 16

JACKLYNN G HENRY
492

Declarant

Texas Certification#: SCH-818 Exp. 08/31/17

PCP Inv#: A16B03436




AX02A16B03436

jackiem

+ Service Fee: 95.00
Witness Fee: .00
Mileage Fee: .00

Raizner, Jeffrey L.

E-FILE RETURN

2. Article Number  7160 3901 9845 3141 6657	<div style="text-align: center; background-color: black; color: white; font-weight: bold; padding: 2px;">COMMERCIAL RETURN RECEIPT (PS Form 3811)</div> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> A. Received by (Please Print Clearly) <i>J. H. H. H.</i> </td> <td style="width: 50%; vertical-align: top;"> B. Date of Delivery 12-5-16 </td> </tr> <tr> <td colspan="2"> C. Signature <i>J. H. H. H.</i> </td> </tr> <tr> <td colspan="2"> D. Is delivery address different from item 1? If YES, enter delivery address below: </td> </tr> </table> <div style="display: flex; justify-content: flex-end; align-items: center;"> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div>	A. Received by (Please Print Clearly) <i>J. H. H. H.</i>	B. Date of Delivery 12-5-16	C. Signature <i>J. H. H. H.</i>		D. Is delivery address different from item 1? If YES, enter delivery address below:	
A. Received by (Please Print Clearly) <i>J. H. H. H.</i>	B. Date of Delivery 12-5-16						
C. Signature <i>J. H. H. H.</i>							
D. Is delivery address different from item 1? If YES, enter delivery address below:							
3. Service Type CERTIFIED MAIL							
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes							
1. Article Addressed to: Everest Indemnity Insurance Company By Delivering To Its Counsel, Legal Department Everest Indemnity Insurance Company C/O Mt McKinley Managers Llc P.O. Box 830 LIBERTY CORNER NJ 07938 A16B03436							
PS Form 3811, January 2005 Domestic Return Receipt							

[Handwritten signature]

CAUSE NO. 201673084

RECEIPT NO. 0.00 MTA
***** TR # 73303102

PLAINTIFF: UNIQUE CROWNE HOSPITALITY, LLC In The 61st
vs. Judicial District Court
DEFENDANT: EVEREST INDEMNITY INSURANCE COMPANY of Harris County, Texas
61ST DISTRICT COURT
Houston, TX

CITATION_ (NON-RESIDENT)
THE STATE OF TEXAS
County of Harris

TO: EVEREST INDEMNITY INSURANCE COMPANY BY SERVING ITS COUNSEL
LEGAL DEPARTMENT EVEREST INDEMNITY INSURANCE COMPANY C/O MT MCKINLEY MANAGERS
LLC WESTGATE CORPORATE CENTER

P O BOX 830 LIBERTY CORNER NJ 07938 -.0830

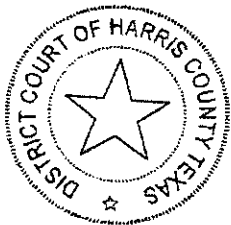
Attached is a copy of PLAINTIFF'S ORIGINAL PETITION AND JURY DEMAND

This instrument was filed on the 21st day of October, 2016, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 4th day of November, 2016, under my hand and seal of said Court.



Chris Daniel

Issued at request of:
RAIZNER, JEFFREY L.
2402 DUNLAVY STREET
HOUSTON, TX 77006
Tel: (713) 554-9099
Bar No.: 784806

CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)

Generated By: DENMON, BRIANNA JANEL 3B5//10519424

STATE OF _____ OFFICER/AUTHORIZED PERSON RETURN
County of _____

PERSONALLY APPEARED before me, the undersigned authority, _____
who being by me duly sworn, deposes and says that in the County of _____
State of _____ he delivered to the within named defendants in person at the
following times and places to wit:

NAME	DATE			TIME		PLACE
	MONTH	DAY	YEAR	HOUR	MIN	

a true copy of this notice, with a copy of:
accompanying same; and further, that he is an adult and is in no manner interested in this suit and is the person competent to make oath of the fact.

On this day, _____, known to me to be the person whose
signature appears on the foregoing return, personally appeared. After being by me duly sworn,
he/she stated that this citation was executed by him/her in the exact manner recited on the
return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____, _____.

Affiant/Deputy

Notary Public



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this December 20, 2016

Certified Document Number: 73027391 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Exhibit A-6

61st District Court of HARRIS County, Texas
201 CAROLINE, 9TH FLOOR HOUSTON TX 77002

CASE #: 2016-73084

Ex A-6

UNIQUE CROWNE HOSPITALITY, LLC

Plaintiff

vs

VEREST INDEMNITY INSURANCE COMPANY, ENGLE MARTIN & ASSOCIATES, AND KEVIN WILSON
MAYFIELD

Defendant

AFFIDAVIT OF SERVICE

I, FLOYD J BOUDREAUX, make statement to the fact;
That I am a competent person more than 18 years of age or older and not a party to
this action, nor interested in outcome of the suit. That I received the documents stated
below on 11/28/16 12:02 pm, instructing for same to be delivered upon Engle Martin &
Associates By Delivering To Its Registered Agent, Corporation Service Company.

That I delivered to : Engle Martin & Associates By Delivering To Its Registered
Agent, Corporation Service Company. By Delivering to Kelly
Courtney, Customer Service

the following : CITATION; PLAINTIFF'S ORIGINAL PETITION & JURY DEMAND

at this address : 211 E. 7th St., Ste. 620
AUSTIN, Travis County, TX 78701

Manner of Delivery : by PERSONALLY delivering the document(s) to the person
above.

Delivered on : Monday NOV 28, 2016 12:25 pm

My name is FLOYD J BOUDREAUX, my date of birth is JAN 10th, 1943, and my address is
Professional Civil Process Downtown, 2211 S. IH 35, Suite 203, Austin TX 78741, and
U.S.A. I declare under penalty of perjury that the foregoing is true and correct.
Executed in Travis County, State of Texas, on the 28 day of

NOV, 2016.


FLOYD J BOUDREAUX Declarant
381

Texas Certification#: SCH-3506 Exp. 02/28/17

PCP Inv#: Z16B00151
SO Inv#: A16B03434



tomcat

AX02A16B03434

+ Service Fee: 70.00
Witness Fee: .00
Mileage Fee: .00

Raizner, Jeffrey L.

E-FILE RETURN

wl

RECEIPT NUMBER 0.00
TRACKING NUMBER 73303140 MTA

CAUSE NUMBER 201673084

PLAINTIFF: UNIQUE CROWNE HOSPITALITY, LLC
vs.
DEFENDANT: EVEREST INDEMNITY INSURANCE COMPANY

In The 61st
Judicial District Court of
Harris County, Texas

CITATION CORPORATE

THE STATE OF TEXAS
County of Harris

TO: ENGLE MARTIN & ASSOCIATES (A CORPORATION) BY SERVING THROUGH ITS
REGISTERED AGENT CORPORATION SERVICE COMPANY (D/B/A CSC-LAWYERS INC)
211 EAST 7TH STREET SUITE 620 AUSTIN TX 78701

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION AND JURY DEMAND.

This instrument was filed on the 21st day of October, 2016, in the
above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED; you may employ an attorney. If you or your attorney do not file a written answer with the
District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were
served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This Citation was issued under my hand and seal of said Court, at Houston, Texas, this 4th day of
November, 2016.

Issued at request of:
RAIZNER, JEFFREY L.
2402 DUNLAVY STREET
HOUSTON, TX 77006
TEL: (713) 554-9099
Bar Number: 784806



Chris Daniel
CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
P.O.Box 4651, Houston, Texas 77210

Generated by: DENMON, BRIANNA JANEL
3B5//10519424

OFFICER/AUTHORIZED PERSON RETURN

I received this citation on the _____ day of _____, 20____, at _____ o'clock ____M., endorsed
the date of delivery thereon, and executed it at _____
(STREET ADDRESS) (CITY)
in _____ County, Texas on the _____ day of _____, 20____, at _____ o'clock ____M.,
by delivering to _____, by delivering to its
(THE DEFENDANT CORPORATION NAMED IN CITATION)
_____, in person, whose name is _____
(REGISTERED AGENT, PRESIDENT, or VICE-PRESIDENT)
a true copy of this citation, with a copy of the _____ Petition attached,
(DESCRIPTION OF PETITION, E.G., "PLAINTIFFS ORIGINAL")
and with accompanying copies of _____
(ADDITIONAL DOCUMENTS, IF ANY, DELIVERED WITH THE PETITION)

I certify that the facts stated in this return are true by my signature below on the _____ day of _____, 20____.

FEE: \$ _____

By: _____
(SIGNATURE OF OFFICER)

Printed Name: _____

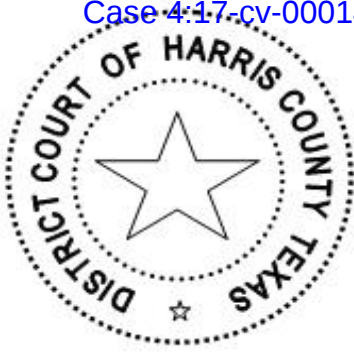
Affiant Other Than Officer

As Deputy for: _____
(PRINTED NAME & TITLE OF SHERIFF OR CONSTABLE)

On this day, _____, known to me to be the person whose signature
appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was
executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____, 20____

Notary Public



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this December 20, 2016

Certified Document Number: 72903280 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Exhibit A-7

Ex A-7

CAUSE NO. 2016-73084

UNIQUE CROWNE HOSPITALITY,	§	IN THE DISTRICT COURT OF
LLC,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	HARRIS COUNTY, T E X A S
EVEREST INDEMNITY	§	
INSURANCE COMPANY, ENGLE	§	
MARTIN & ASSOCIATES, and	§	
KEVIN WILSON MAYFIELD	§	
<i>Defendants.</i>	§	61 ST JUDICIAL DISTRICT

**DEFENDANTS EVEREST INDEMNITY INSURANCE
COMPANY, ENGLE MARTIN & ASSOCIATES, INC.,
AND KEVIN WILSON MAYFIELD'S ORIGINAL ANSWER**

Defendants Everest Indemnity Insurance Company ("Everest"), Engle Martin & Associates, Inc. ("Engle Martin") and Kevin Wilson Mayfield file this Original Answer to the Original Petition of Plaintiff Unique Crowne Hospitality, LLC.

GENERAL DENIAL

1. Pursuant to Texas Rule of Civil Procedure 92, Defendants generally deny the allegations in Plaintiff's Original Petition and demand strict proof thereof from Plaintiff by a preponderance of the evidence.

AFFIRMATIVE DEFENSES

2. In addition to Defendants' general denial, Defendants plead the following affirmative defenses:

3. Everest's liability, if any, is derived solely from the policy of insurance issued by Everest. Plaintiff's claims are barred, in whole or in part, by the terms, conditions, provisions, exclusions, sublimits and limitations of Everest Policy No.

CA3P004562151 (the “Everest Policy”), which are pled as if copied herein. Several of the exclusions of the Everest Policy are specifically pleaded below.¹

4. **Pre-Existing Building Damage**: Plaintiff’s damages are excluded from coverage by the Everest Policy endorsement entitled “Pre-Existing Building Damage Exclusion”. Plaintiff’s damages were caused, in whole or in part, by damage that existed prior to the time of loss or damage.

5. **Wear and Tear**: Plaintiff’s damages are excluded by exclusion B. 2.d(1) found under the portion of the Everest Policy entitled Causes of Loss—Special Form, because Plaintiff’s alleged losses were caused by, or resulted from, in whole or in part, wear and tear.

6. **Hidden or Latent Defect**: Plaintiff’s damages are excluded by exclusion B. 2.d(2) found under the portion of the Everest Policy entitled Causes of Loss—Special Form, because Plaintiff’s alleged losses were caused by, or resulted from, in whole or in part, hidden or latent defect.

7. **Settling, Cracking, Shrinking, or Expansion**: Plaintiff’s damages are excluded by exclusion B. 2.d(4) found under the portion of the Everest Policy entitled Causes of Loss—Special Form, because Plaintiff’s alleged losses were caused by, or resulted from, in whole or in part, settling, cracking, shrinking, or expansion.

8. **Faulty, Inadequate, or Defective Conditions**: Plaintiff’s damages are excluded by exclusions B. 3.c(2), (3), and (4) found under the portion of the Everest Policy

¹ This list is not exclusive, and Defendants reserve the right to rely on additional defenses based upon information that may become available during discovery in this case.

entitled Causes of Loss—Special Form, because the Plaintiff’s losses were caused by, or resulted from, in whole or in part faulty, inadequate or defective design, specifications, workmanship, repair, construction, renovation, remodeling, grading, compaction; materials used in repair construction, renovation or remodeling; or maintenance.

9. **Continuous Seepage or Leakage of Water:** Plaintiff’s damages are excluded or limited by section B.2 (f) found under the portion of the Everest Policy entitled Causes of Loss—Special Form, because Plaintiff’s alleged losses were caused by, or resulted from, in whole or in part, continuous seepage or leakage of water that occurred over a period of 14 days or more.

10. **Water Leaking from Plumbing or Equipment:** Plaintiff’s damages are excluded or limited by section B.2 (g) found under the portion of the Everest Policy entitled Causes of Loss—Special Form, because Plaintiff’s losses were caused by, or resulted from, in whole or in part, the leakage of water from plumbing, air conditioning, or other equipment.

11. **Damage to Interior :** Plaintiff’s damages are excluded or limited by section C.(1)(c) found under the portion of the Everest Policy entitled Causes of Loss—Special Form, because any damage to the interior of the structures that may have been caused by rainwater did not result from a Covered Cause of Loss, as that term is defined by the Everest Policy.

12. **Limitation on Recovery:** In the unlikely event that the Court finds Everest liable to Plaintiff in damages, Plaintiff is limited to recovery of the actual cost value of the damages, pursuant to the Everest Policy endorsement entitled “Roof Covering—

Conditional Valuation”, because the roof covering on the buildings was more than 20 years old and had not been replaced within the last 20 years. Pleading in the alternative, Plaintiff is not permitted to recover replacement cost damages because, upon information and belief, it has not repaired or replaced the allegedly damaged property as required by sections G.3.d(1) & (2) found under the portion of the Everest Policy entitled “Building and Personal Property Coverage Form”.

13. **Limitation on Exemplary, Additional or Treble Damages:** Defendants deny any liability to Plaintiff for alleged extra-contractual damages. Pleading alternatively, Defendants plead that any award to Plaintiff of exemplary, additional, treble or punitive damages or penalties is limited pursuant to Tex. Civ. Prac. & Rem. Code Chapter 41 and Tex. Ins. Code sections 541.152 and 542.060. Under the facts of this case, however, an award of exemplary, additional, treble or punitive damages or penalties consistent with the maximum awards permitted under these statutes would violate Defendants’ State and Federal constitutional rights. Defendants affirmatively plead that an award of exemplary, additional, treble or punitive damages or penalties would violate the due process and equal protection clauses of the United States and Texas Constitutions. Defendants affirmatively plead that an award of exemplary, additional, treble or punitive damages or penalties would be both arbitrary and excessive in that (1) Texas procedure lacks adequate safeguards in violation of the due process clauses of the United States and Texas Constitutions, and (2) Defendants would not be afforded equal protection against extra-contractual damages that would be limited or capped for others.

DENIAL OF CONDITIONS PRECEDENT

14. Defendant Everest denies that Plaintiffs have complied with all conditions precedent to recovery under the Policy at issue in this case. Specifically, but not by way of limitation, Plaintiffs did not provide a sworn proof of loss, as required by section E.3.a(7) found under the portion of the Everest Policy entitled “Building and Personal Property Coverage Form”.

REQUEST FOR JURY TRIAL

15. Plaintiff has requested a jury trial and paid the fee, and Defendants join in that request.

REQUEST FOR RELIEF

16. Defendants request that judgment be entered that Plaintiff take nothing in this action and that Defendants recover all costs and have all other relief to which they are entitled.

Respectfully submitted,

/s/ Thomas C. Wright

Thomas C. Wright

State Bar No. 22059400

Andrew C. Nelson

State Bar No. 24074801

WRIGHT & CLOSE, LLP

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Houston, Texas 77056

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wright@wrightclose.com
nelson@wrightclose.com

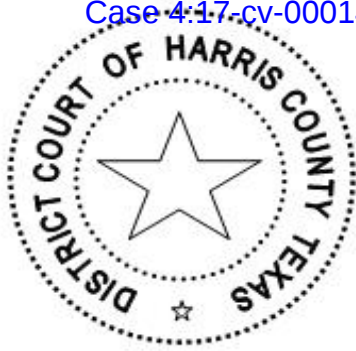
**ATTORNEYS FOR DEFENDANTS
EVEREST INDEMNITY INSURANCE
COMPANY, ENGLE MARTIN &
ASSOCIATES, INC. AND KEVIN WILSON
MAYFIELD**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served on all counsel of record in this case, identified below, on January 3, 2017 electronically through the electronic filing manager or in compliance with Texas Rule of Civil Procedure 21a.

Jeffrey L. Raizner
Andrew P. Slania
Amy Bailey Hargis
RAIZNER SLANIA, LLP
2402 Dunlavy Street
Houston, Texas 77006

/s/ Thomas C. Wright
Thomas C. Wright



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this January 4, 2017

Certified Document Number: 73285429 Total Pages: 6

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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Exhibit A-8

2016-73084

COURT: 061st

FILED DATE: 10/21/2016

CASE TYPE: Debt/Contract - Other



UNIQUE CROWNE HOSPITALITY, LLC

Attorney: SLANIA, ANDREW

VS.

EVEREST INDEMNITY INSURANCE COMPANY

Docket Sheet Entries

Date

Comment

HCDistrictclerk.comUNIQUE CROWNE HOSPITALITY, LLC vs. EVEREST
INDEMNITY INSURANCE COMPANY

1/4/2017

Cause: 201673084 CDI: 7 Court: 061

APPEALS

No Appeals found.

COST STATMENTS

No Cost Statments found.

TRANSFERS

No Transfers found.

POST TRIAL WRITS

No Post Trial Writs found.

ABSTRACTS

No Abstracts found.

SETTINGS

No Settings found.

NOTICES

No Notices found.

SUMMARY**CASE DETAILS**

File Date	10/21/2016
Case (Cause) Location	Civil Intake 1st Floor
Case (Cause) Status	Active - Civil
Case (Cause) Type	SWORN ACCOUNT
Next/Last Setting Date	N/A
Jury Fee Paid Date	1/3/2017

COURT DETAILS

Court	061 st
Address	201 CAROLINE (Floor: 9) HOUSTON, TX 77002 Phone:7133686070
JudgeName	FREDERICKA PHILLIPS
Court Type	Civil

ACTIVE PARTIES

Name	Type	Post Jdgm	Attorney
UNIQUE CROWNE HOSPITALITY, LLC 2402 DUNLAVY STREET, HOUSTON, TX 77494	PLAINTIFF - CIVIL		SLANIA, ANDREW
EVEREST INDEMNITY INSURANCE COMPANY P.O. BOX 830, LIBERTY CORNER, NJ 07938	DEFENDANT - CIVIL		WRIGHT, THOMAS CLARK
MAYFIELD, KEVIN WILSON	DEFENDANT - CIVIL		WRIGHT,

THOMAS
CLARK

4907 MEADOWGLEN DRIVE,, PEARLAND, TX 77584

ENGLE MARTIN & ASSOCIATES

DEFENDANT - CIVIL

WRIGHT,
THOMAS
CLARK

211 EAST 7TH STREET,, AUSTIN, TX 78701

EVEREST INDEMNITY INSURANCE COMPANY
BY SERVING ITS COUNSEL

REGISTERED AGENT

ENGLE MARTIN & ASSOCIATES (A
CORPORATION) BY SERVING THROUGH ITS

REGISTERED AGENT

INACTIVE PARTIES

No inactive parties found.

JUDGMENT/EVENTS

Date	Description	Order Signed	Post Jdgm	Pgs Volume /Page	Filing Attorney	Person Filing
1/3/2017	ANSWER ORIGINAL PETITION			0	WRIGHT, THOMAS CLARK	MAYFIELD, KEVIN WILSON
1/3/2017	JURY FEE PAID (TRCP 216)			0		
1/3/2017	ANSWER ORIGINAL PETITION			0	WRIGHT, THOMAS CLARK	EVEREST INDEMNITY INSURANCE COMPANY
1/3/2017	ANSWER ORIGINAL PETITION			0	WRIGHT, THOMAS CLARK	ENGLE MARTIN & ASSOCIATES
10/21/2016	JURY FEE PAID (TRCP 216)			0		
10/21/2016	ORIGINAL PETITION			0	SLANIA, ANDREW	UNIQUE CROWNE HOSPITALITY, LLC

SERVICES

Type	Status	Instrument	Person	Requested	Issued	Served	Returned	Received	Tracking	Deliver To
CITATION SERVICE	ISSUED/IN POSSESSION OF SERVING AGENCY	ORIGINAL PETITION	MAYFIELD, KEVIN WILSON	10/21/2016	11/4/2016				73307192	MAIL TO ATTORNEY
4907 MEADOWGLEN DRIVE PEARLAND TX 77584										
CITATION SERVICE	ASSIGNED TO CLERK/NOT ISSUED	ORIGINAL PETITION	EVEREST INDEMNITY INSURANCE COMPANY BY SERVING ITS COUNSEL	11/3/2016					73315677	MAIL TO ATTORNEY

DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
73285429	Defendants Everest Indemnity Insurance Company, Engle Martin & Associates, Inc. and		01/03/2017	6

Kevin Wilson Mayfield's Original Answer.

73027391	Citation (Non-Resident)/Affidavit of Service -certified mail	12/09/2016	3
73017158	Civil Process Request- Engle Martin and Associates, Inc.	12/08/2016	2
72903280	Affidavit of Service	11/30/2016	2
72593902	Civil Process Request	11/03/2016	4
72426510	Plaintiff's Original Petition & Jury Demand	10/21/2016	12
-> 72426511	Civil Case Information Sheet	10/21/2016	1